

NINETEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 29, 1884.

Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.
Roll called.

Quorum present.

Prayer by the Rev. Dr. Poindexter, Chaplain of the House.

On motion of Senator Chesley,

The reading of Saturday's journal was dispensed with, and

The journal was adopted.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 4, "An act to provide for the appointment of commissioners to represent the State of Texas at the world's exhibition at New Orleans," etc., and find the same correctly engrossed.

MARTIN, Chairman.

On motion of Senator Houston,
Senator Davis was indefinitely excused, on account of important business.

On motion of Senator Peacock,

Senator King was excused for three days on account of sickness in his family.

The President laid before the Senate substitute Senate bills Nos. 32 and 44, "An act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of Texas as refer to public free schools, outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act."

Senator Chesley called up the resolution introduced by him yesterday, and laid over under rule 3 (resolution to have night sessions), for the purpose of the consideration of the above school bill.

Resolution taken up and read.

Senator Chesley offered the following amendment to his pending resolution:

Amend by adding: "Same to commence Wednesday, January 30, 1884."

Adopted.

On motion of Senator Gooch,

The further consideration of the resolution of Senator Chesley was postponed till 3 o'clock this afternoon.

Substitute for Senate bills Nos. 32 and 44 was then taken up and read second time.

Senator Gooch moved that the bill be considered by sections.

Adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 29, 1884.

Hon. Marion Martin, President of the Senate:

SIR:—I am directed to inform the Senate that the House has passed Senate bill No. 35, "An act to amend section 30 of 'an act to redistrict the State into judicial districts, and to fix the time of holding courts therein, and to provide for the election

of judges and district attorneys," etc. Passed under a suspension of the rule.

J. W. BOOTH, Chief Clerk.

Section 1 of substitute for Senate bills Nos. 32 and 44 adopted.

Section 2 of substitute for Senate bills Nos. 32 and 44 adopted.

Senator Harris offered the following amendment to section 5 of the bill:

Add to section 3:

Provided, that the reading of the Bible in the public free schools shall not be deemed the teaching of sectarian religion.

Senator Pfeuffer offered the following amendment to the amendment of Senator Harris:

Add after Bible, the words "Koran and Talmud."

Senator Collins moved to lay both amendments on the table.

Senator Gibbs moved a division of the question.

The President decided that the motion was not such as to admit of division.

Motion of Senator Collins adopted by the following vote:

YEAS—15.

Chesley,	Johnston of Shelby,	Peacock,
Collins,	Jones,	Perry,
Davis,	Kleberg,	Pfeuffer,
Gooch,	Martin,	Pope,
Houston,	Patton,	Shannon.

NAYS—14.

Buchanan,	Getzendaner,	Randolph,
Cooper,	Gibbs,	Stratton,
Evans,	Harris,	Terrell,
Farrar,	Johnson of Collin,	Traylor.
Fowler,	Matlock,	

The following reasons for voting on the motion to table the amendments were asked to be printed in journal:

I voted to table both amendments, because I believe them unconstitutional.

POPE.

Senator Evans offered the following amendment:

Amend by striking out all of line 3 in section 3, down to and inclusive of the word "hours."

Senator Matlock offered the following substitute for the amendment of Senator Evans:

Amend by striking out of the section "in or out of school hours."

Accepted.

Senator Peacock offered the following substitute for the accepted amendment of Senator Matlock:

Strike out section 3, and insert: "No part of the public school fund shall be appropriated to, or used for the support of, any sectarian school."

Adopted by the following vote:

YEAS—17.

Buchanan,	Gibbs,	Perry,
Cooper,	Gooch,	Pfeuffer,
Davis,	Harris,	Randolph,
Farrar,	Johnson of Collin,	Shannon,
Fowler,	Patton,	Traylor.
Getzendaner,	Peacock,	

NAYS—9.

Chesley,	Houston,	Martin,
Collins,	Johnston of Shelby,	Matlock,
Evans,	Kleburg,	Pope.

Senator Jones moved the previous question on the substitute and the adoption of section 3.

Motion seconded, and

Main question ordered.

The substitute of Senator Peacock was adopted by the following vote:

YEAS—17.

Buchanan,	Fowler,	Peacock,
Chesley,	Getzendaner,	Pfeuffer,
Cooper,	Gooch,	Randolph,
Davis,	Harris,	Stratton,
Evans,	Johnson of Collin,	Traylor.
Farrar,	Jones,	

NAYS—7.

Collins,	Kleberg,	Patton,
Houston,	Martin,	Perry.
Johnston of Shelby,		

Senator Chesley moved to reconsider the vote by which the substitute of Senator Peacock was just adopted.

Senator Jones moved to lay the motion of Senator Chesley to reconsider on the table.

Adopted by the following vote:

YEAS—19.

Buchanan,	Harris,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Davis,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	Martin,	Shannon,
Fowler,	Matlock,	Traylor.
Getzendaner,		

NAYS—8.

Chesley,	Houston,	Pfeuffer,
Collins,	Kleberg,	Stratton.
Gooch,	Patton,	

Section 3, as amended, was then adopted.

Section 4 was adopted.

Senator Matlock offered the following amendment to section 5:

Strike out "sixteen" and insert "twenty-one."

Senator Shannon offered the following substitute for the amendment of Senator Matlock:

Strike out "sixteen" and insert "eighteen."

Senator Gibbs moved the previous question on the amendment of Senator Matlock and substitute of Senator Shannon, and the section.

Motion seconded, and

Main question ordered.

The substitute of Senator Shannon was lost by the following vote:

YEAS—9.

Evans,	Houston,	Randolph,
Fowler,	Matlock,	Shannon,
Harris,	Patton,	Stratton.

NAYS—16.

Buchanan,	Johnson of Collin,	Peacock,
Cooper,	Johnston of Shelby,	Perry,
Farrar,	Jones,	Pfeuffer,
Getzendaner,	Kleberg,	Pope,
Gibbs,	Martin,	Traylor.
Gooch,		

The amendment of Senator Matlock was lost by the following vote:

YEAS—5.

Davis,	Houston,	Matlock.
Harris,	Johnson of Collin,	

NAYS—22.

Buchanan,	Gooch,	Perry,
Chesley,	Johnson of Shelby,	Pfeuffer,
Cooper,	Jones,	Pope,
Evans,	Kleberg,	Randolph,
Farrar,	Martin,	Shannon,
Fowler,	Patton,	Stratton,
Getzendaner,	Peacock,	Traylor.
Gibbs,		

Section 5, as amended, was then adopted.

Senator Davis moved to reconsider the vote by which section 5 was just adopted.

Motion to reconsider adopted.

Senator Harris offered the following amendment to section 5:

Strike out "eight" and "sixteen," and insert "seven" and "seventeen."

Senator Davis offered the following substitute for the amendment of Senator Harris:

Strike out "between eight and sixteen" and insert "from eight to sixteen inclusive."

Adopted by the following vote:

YEAS—16.

Buchanan,	Getzendaner,	Perry,
Chesley,	Gibbs,	Pope,
Collins,	Gooch,	Shannon,
Davis,	Johnston of Shelby,	Terrell,
Evans,	Jones,	Traylor.
Fowler,		

NAYS—8.

Cooper,	Kleberg,	Randolph,
Harris,	Matlock,	Stratton.
Johnson of Collin,	Peacock,	

Senator Traylor offered the following substitute for the substitute of Senator Davis, just adopted, to section 5:

All children, without regard to color, over eight years of age and under seventeen years of age, shall be entitled to the benefit of the public school fund.

Senator Matlock moved the previous question on the amendment, substitute and section 5.

Motion seconded, and

Main question ordered.

The substitute of Senator Traylor was adopted by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pfeuffer,
Cooper,	Houston,	Pope,
Davis,	Johnson of Collin,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Kleberg,	Stratton,
Fowler,	Martin,	Traylor.
Getzendaner,	Matlock,	

NAYS—3.

Johnston of Shelby,	Peacock,	Terrell.
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And adopted as part of the section, and Section 5 as amended adopted.

Senator Martin, chairman of Committee on Engrossed Bills, by leave submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 10, being "An act to further

regulate the collection or taxes on real estate, including lands heretofore bought by the State at delinquent tax sales," and find the same correctly engrossed.

MARTIN, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 29, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed substitute House bills Nos. 86, 89, and 93, "An act to amend sections 5, 7, 26, and 39 of an act entitled 'an act to re-district the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884.'"

Passed under a suspension of the rule.

Respectfully,

J. W. BOOTH, Chief Clerk.

Section 6 was adopted.

Section 7 was adopted.

Section 8 was adopted.

Section 9 was adopted.

Senator Chesley offered the following amendment to section 10:

Amend section 10, line 4, by substituting "six" for "seven."

Senator Pope offered the following amendment to the amendment of Senator Chesley:

Provided, that no scholar under the age of twelve shall be deprived of the benefit of recesses by way of punishment for misbehavior.

Withdrawn.

Senator Stratton offered the following substitute for the amendment of Senator Chesley:

Provided, the hours of study and recitation in the school room shall not be less than six hours a day.

Senator Randolph offered the following substitute for the amendment of Senator Chesley:

Amend section 10 by striking out all after the word "holidays."

Ordered to lie over, as a substitute was pending.

Senator Stratton's substitute for the amendment of Senator Chesley was lost by the following vote:

YEAS—7.

Collins, Davis, Kleberg,	Matlock, Perry,	Shannon, Stratton.
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NAYS—18.

Buchanan, Chesley, Cooper, Evans, Fowler, Getzendaner,	Gibbs, Gooch, Harris, Johnson of Collin, Johnston of Shelby, Martin,	Peacock, Pfeuffer, Pope, Randolph, Terrell, Traylor.
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Senator Randolph's substitute for Senator Chesley's amendment was then taken up, and lost by the following vote:

YEAS—11,

Gooch, Harris, Johnston of Shelby, Kleberg,	Martin, Peacock, Pfeuffer, Randolph,	Shannon, Terrell, Traylor.
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NAYS—13.

Buchanan, Chesley, Cooper, Davis, Evans,	Fowler, Getzendaner, Gibbs, Johnson of Collin,	Matlock, Patton, Perry, Stratton.
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Senator Buchanan offered the following substitute for the amendment of Senator Chesley:

Add at end of section 10 the words "including intermissions and recesses."

Senator Cooper moved the previous question on the amendment, substitute and adoption of the section.

Motion seconded, and

The main question was ordered, and

The substitute of Senator Buchanan adopted, and made a part of section 10, by the following vote:

YEAS—19.

Buchanan, Chesley, Davis, Evans, Fowler, Getzendaner, Gibbs,	Gooch, Johnson of Collin, Kleberg, Matlock, Patton, Peacock,	Pfeuffer, Pope, Randolph, Shannon, Terrell, Traylor.
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NAYS—6.

Cooper, Harris,	Johnston of Shelby, Perry, Martin, Stratton.
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Section 10, as amended, was adopted.

Section 11 was adopted.

Section 12 was adopted.

Section 13 was adopted.

Section 14 was adopted.

Section 15 was adopted.

Section 16 was adopted.

Section 17 was adopted.

Section 18 was adopted.

Section 19 was adopted.

Section 20 was adopted.

Section 21 was adopted.

Section 22 was adopted.

Section 23 was adopted.

Section 24 was adopted.

Section 25 was adopted.

Section 26 was adopted.

Section 27 was adopted.

Section 28 was adopted.

Senator Buchanan offered the following amendment:

Strike out section 29 and insert in lieu thereof the following:

SEC. 29. In all the counties in this State, not hereinafter exempted from this section, there shall be nominated by the commissioners' court, and confirmed by the State Board, and State Superintendent of Education, a county superintendent, who shall hold his office for two years, and until his successor is appointed and qualified.

Senator Gibbs offered the following amendment to the amendment of Senator Buchanan:

Such nomination to be made in July or August, 1884, and every two years thereafter, and if an acceptable nomination is not made by the commissioners' court by September 1 of every year, the board shall make the appointment without such recommendation.

Accepted, and

Adopted as an amendment to section 29.

Section 29, as amended, was adopted.

Senator Traylor offered the following amendment to section 30:

Strike out "July" and insert "October."

Adopted, and

Section 30, as amended, adopted.

Section 31 was adopted.

Senator Gibbs offered the following amendment to section 32:

In line 1 strike out "ten" and insert "fifty."

Senator Cooper offered the following amendment to the amendment of Senator Gibbs:

Strike out "fifty" and insert "twenty" in lieu thereof.

Accepted, and

Adopted.

Senator Gibbs offered the following amendment:

Add to section 32, "not more than one such election shall be held in the same scholastic year."

Adopted, and

Section 32, as amended, adopted.

Senator Buchanan offered the following amendments to section 33:

Strike out the words "powers of," in line 3, of section 33, page 10.

Adopted.

Strike out the words "said powers," and insert the words "such taxation," in line 5, section 33.

Adopted.

Senator Cooper offered the following amendment:

Strike out "no," and insert "against" in line 6, section 33.

Adopted, and

Section 33, as amended, adopted.

Senator Chesley offered the following amendment to section 34:

Strike out the words "this State," and insert "State and county of his residence, and who."

Also, after the word "district" insert the words "as shown by the last assessment roll of the county."

Also, after the word "votes," in line 4, insert the words "voting at such election."

Also, after the word "have," in line 6, insert the word "been."

Senator Kleberg moved to adjourn until 3 o'clock this afternoon.

Withdrawn.

The President laid before the Senate House bill No. 68, "An act to amend section 4 of an act entitled 'an act to reorganize the twelfth, sixteenth, seventeenth, twenty-ninth, thirty-fourth, and thirty-fifth judicial districts, and to fix the times of holding the courts therein: to change times for holding the district courts in the seventh and fourteenth judicial districts, and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide for a district attorney in the sixteenth judicial district,' approved March 21, 1883," for the purpose of having the ayes and nays called on it, which was was omitted when it passed on yesterday.

The vote was then taken on its passage, which was as follows:

YEAS—28.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Perry,
Cooper,	Johnson of Collin,	Pfeuffer,
Davis,	Johnston of Shelby,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	Kleburg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.
Gibbs,		

NAYS—none.

Senator Kleberg then renewed his motion to adjourn till 3 o'clock p. m.

Adopted.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin, President of the Senate, in the chair.

Roll called.

Quorum present.

The President laid before the Senate the unfinished business, substitute for Senate bills Nos. 32 and 44 (school bill). Senator Chesley's amendments to section 34 pending on adjournment.

Senator Chesley called for a division of his amendments.

Senator Collins moved to call up the resolution of Senator Chesley to hold night sessions for the consideration of substitute for Senate bills Nos. 32 and 44, which was postponed for action this afternoon.

Withdrawn.

First amendment of Senator Chesley adopted.

Second amendment of Senator Chesley adopted.

Third amendment of Senator Chesley adopted.

Fourth amendment of Senator Chesley adopted.

Section 35, as amended, adopted.

Section 36 adopted.

Senator Chesley offered the following amendment to section 37:

In line 1, section 37, strike out "all," and insert "three."

Withdrawn.

Senator Gibbs offered the following amendment to section 37:

Amend line 8, after "all persons," insert "living in the district."

Adopted.

Senator Martin offered the following amendment to section 37:

In line 3, section 37, strike out all after the word "provided," down to and including the word "superintendent," in line 5, and insert "the commissioners' court shall appoint three persons to hold such election."

Adopted.

Senator Johnston of Shelby offered the following amendment to section 37:

Amend line 1, by inserting after the word "the," "qualified voters," instead of "people."

Adopted, and

Section 37, as amended, adopted.

Senator Gibbs offered the following amendment to section 38:

Add to section 38, "all reports and other official papers shall be headed with the number of district and name of county."

Adopted.

Senator Chesley offered the following amendment to section 38:

Amend section 38 by striking out all between the word "district," in line 1, and the word "and," in line 2.

Lost.

Section 38, as amended, adopted.

Senator Stratton offered the following amendment to section 39:

Amend section 39, line 1, by striking out the word "two," before the word "years," and insert "one" therefor.

Lost.

Senator Matlock offered the following amendment to section 39:

Strike out all after "act," in line 6, down to and including "election," in line 7.

Senator Buchanan offered the following substitute for the amendment of Senator Matlock:

After the word "act," in line 6, of section 39, insert the words "and all resident property tax-paying voters of said district."

Accepted and adopted.

Senator Buchanan offered the following amendment to section 39:

In line 10, of section 39, strike out the words "should such an election be carried," and insert the word "and."

Adopted.

Senator Gibbs offered the following amendment to section 39:

Amend by inserting "twenty" instead "ten," in line 2, section 39.

Adopted.

Senator Martin offered the following amendment to section 39:

In line 7, section 39, strike out the word "trustees" and insert "the persons holding such election."

Adopted.

Senator Chesley offered the following amendment to section 39:

Amend section 39, line 3, by inserting after the words "tax payers" the words "and qualified voters."

Adopted, and

Section 39, as amended, adopted.

Senator Traylor offered the following amendment to section 40:

In line 3, after the word "itself," strike out down to and including the word "rolls," in line 5, and insert "and it shall be the duty of the tax assessor to make a separate roll for each school district in alphabetical order, one copy to be deposited with the county commissioners' court and the other with the tax collector."

Adopted.

Senator Matlock offered the following amendment to section 40:

Strike out, after the word "taxes," in line 8, all down to and including the word "district," in line 9.

Adopted.

Senator Buchanan offered the following amendment to section 40:

Strike out that portion of section 40 allowing commissions to tax assessors.

Adopted by the following vote:

YEAS—19.

Chesley,	Johnson of Collin,	Peacock,
Collins,	Johnston of Shelby,	Perry,
Davis,	Jones,	Pfeuffer,
Getzendaner,	Kleberg,	Shannon,
Gibbs,	Martin,	Stratton,
Harris,	Patton,	Traylor.
Houston,		

NAYS—7.

Evans,	Gooch,	Pope,
Farrar,	Matlock,	Randolph.
Fowler,		

Senator Chesley offered the following amendment:

Amend section 40, line 6, by inserting the word "real" before the word "property."

Lost.

Senator Terrell moved to reconsider the vote by which the amendment was lost.

Adopted, and

The amendment of Senator Chesley adopted.

Senator Traylor offered the following amendment to section 40:

After the word "collector," in line 12, insert the words "shall receive."

Adopted.

Senator Harris moved to reconsider the vote by which the amendment of Senator Buchanan, refusing to allow commissions to tax collectors, was adopted.

Adopted, and

Senator Buchanan withdrew his amendment, and Section 40, as amended, was adopted.

Senator Matlock offered the following amendment to section 41:

In section 41, line 3, strike out "sixteen" and insert "seventeen."

Adopted.

Senator Chesley offered the following amendment to section 41:

Amend section 41 by inserting after the word "trustees, in line 1, "or some one appointed by them;" also substitute "party" for "trustees," in line 10.

Lost, and

Section 41, as amended, was adopted.

Section 42 was adopted.

Section 43 was adopted.

Section 44 was adopted.

Section 45 was adopted.

Section 46 was adopted.

Section 47 was adopted.

Senator Collins offered the following amendment to section 48:

County superintendents shall receive the following salaries, to-wit: In counties with a scholastic population of over 600 and under 2000, \$400. In counties with a scholastic population of 2000, or over, at the rate of twenty cents per capita for said scholastic population. In counties with a scholastic population of under 600 the county judges shall be ex-officio county superintendents.

Lost, and

Section 48, as amended, adopted.

Section 49 was adopted.

Section 50 was adopted.

Senator Chesley offered the following amendment to section 51.

Amend section 51 by inserting after "mayors," in line 4, the words "or president of board of trustees."

Adopted.

Senator Buchanan offered the following amendment to section 51:

In line 2, section 51, strike out the word "yet" and insert the word "hereafter."

Adopted, and

Section 51, as amended, adopted.

Senator Chesley offered the following amendment to section 52:

After the word "mayor," in line 1, insert the words "or president of board of school trustees."

Adopted.

Senator Harris offered the following amendment: Strike out section 52.

Adopted.

Section 53 was adopted.

Section 54 was adopted.

Senator Taylor offered the following amendment to section 55:

In line 7 strike out "State superintendent," and insert "board of education."

Adopted, and

Section 55, as amended, was adopted.

Senator Kleberg offered the following amendment to section 56:

Amend section 56 by adding after the word "geography," in line 12, the words "English grammar."

Adopted.

Also, by striking out the words "English grammar," in line 14, section 56.

Adopted.

Senator Cooper offered the following amendment to section 56:

In line 26, after the word "report," add "under oath."

Adopted.

Senator Buchanan offered the following amendments to section 56:

In line 29, section 56, insert after the word "school," the words "district or."

Adopted.

Also, in line 42, section 56, strike out the words "Board of Education," and insert the word "superintendent."

Adopted.

Senator Farrar offered the following amendment to section 56:

Add, after the word "examination," in line 33, the words "and without charge to the teacher."

Adopted.

Senator Traylor offered the following amendment to section 56:

In line 42, strike out "judge" and insert "superintendent."

Adopted, and

Section 56, as amended, adopted.

Senator Terrell offered the following amendment to section 57:

Amend section 57 by striking out the words "any of the class of certificates mentioned in this section may be at any time revoked by the State superintendent."

Adopted.

The President gave notice of signing the following bills:

Senate bill No. 70, "An act to amend sections 16 of an act entitled 'an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, A. D. 1884,' approved April 9, 1883."

Senate bill No. 34, "An act to amend 'an act to redistrict the State into judicial districts, and fix the time of holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Also. Senate bill No. 35, "An act to amend 'an act to redistrict the State into judicial districts and fix the times for holding courts therein,' etc."

Senator Pope offered the following amendment to section 57:

Strike out the "State normal schools of other States," and from "any," line 12, down to "behavior," line 15.

Adopted.

Senator Harris offered the following amendment to section 57:

Line 3, section 57, strike out "or from the State superintendent of Texas."

Senator Houston offered the following substitute for the amendment of Senator Harris:

In line 2, section 57, strike out "the State normal schools of other States."

Accepted, and adopted, and

Section 57, as amended, adopted.

Senator Evans offered the following amendment to section 58:

Amend by striking out the word "shall," in line 8, section 58, and insert the word "may."

Lost, and

Section 58 was adopted.

Section 59 was adopted.

Section 60 was adopted.

Senator Buchanan offered the following amendment to section 61:

Add proviso to section 61:

Provided, that trustees of districts or communities, in making contracts with teachers, shall not create a debt against the district.

Adopted.

Senator Buchanan moved to reconsider the vote adopting his last amendment.

Adopted, and vote reconsidered.

Senator Buchanan withdrew his amendment, and offered in lieu thereof the following:

Add proviso to section 61:

Provided, that trustees of districts or communities, in making contracts with teachers, shall not create a deficiency debt against the district or community.

Adopted.

Section 62 was adopted.

Section 63 was adopted.

Senator Chesley offered the following amendment to section 64:

Amend section 64, line 1, by striking out "trustees" and insert "other persons competent to hold first class certificates."

Lost by the following vote:

YEAS—10.

Chesley,
Farrar,
Gibbs,
Harris,

Houston,
Johnson of Collins,
Kleberg,

Martin,
Patton,
Traylor.

NAYS—16.

Buchanan,
Cooper,
Evans,
Fowler,
Getzendaner,
Gooch,

Johnston of Shelby, Pfeuffer,
Jones, Pope,
Matlock, Randolph,
Peacock, Shannon,
Perry, Stratton.

Section 65 was adopted.

Section 66 was adopted.

Section 67 was adopted.

Section 68 was adopted.

Section 69 was adopted.

Senator Matlock offered the following amendment to section 69:

Amend section 69 by inserting before the word "white," in line 6, the word "three."

Adopted, and

Section 69, as amended, adopted.

Section 70 was adopted.

Senator Peacock moved to adjourn till 10 a. m. to-morrow.

Lost by the following vote:

YEAS—7.

Gibbs,	Johnston of Shelby,	Peacock,
Gooch,	Martin,	Stratton.
Houston,		

NAYS—20.

Buchanan,	Getzendaner,	Perry,
Chesley,	Harris,	Pfeuffer,
Collins,	Johnson of Collin,	Pope,
Cooper,	Jones,	Randolph,
Evans,	Kleberg,	Shannon,
Farrar,	Matlock,	Traylor.
Fowler,	Patton,	

Section 71 was adopted.

Section 72 was adopted.

Section 73 was adopted.

Section 74 was adopted.

Section 75 was adopted.

Section 76 was adopted.

Section 77 was adopted.

Section 78 was adopted.

Section 79 was adopted.

Senator Pope moved to amend section 80 by exempting Harrison county.

Adopted, and

Section 80 as amended was adopted.

Section 81 was adopted.

Section 82 was adopted.

Senator Buchanan offered the following amendment:

Amend the bill as follows: Wherever, in the bill, the word "district" appears, immediately before, and as descriptive of the word "superintendent," strike out the word "district," and insert the word "county."

Adopted.

Section 83, as amended, was adopted.

Section 84 was adopted.

Section 85 was adopted.

Section 86 was adopted.

Section 87 was adopted.

Senator Getzendaner offered the following amendment to section 88:

In line 3, section 88, strike out the words "or commissioner of education."

Adopted, and

Section 88, as amended, adopted.

Senator Traylor offered the following amendment to section 89:

Strike out "sixteen" and insert "seventeen."

Adopted.

Senator Buchanan offered the following amendment to section 89:

In line 2, section 89, strike out the words "carrying on" and insert the words "operated under."

Adopted, and

Section 89, as amended, adopted.

Senator Patton offered the following amendment to section 90:

Strike out "its" where it occurs in section 90.

Senator Harris moved to adjourn till 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—6.

Gooch,	Houston,	Martin,
Harris,	Johnston of Shelby,	Stratton.

NAYS—20.

Buchanan,	Fowler,	Perry,
Chesley,	Getzendaner,	Pfeuffer,
Collins,	Gibbs,	Pope,
Cooper,	Johnson of Collin,	Randolph,
Davis,	Jones,	Shannon,
Evans,	Matlock,	Traylor.
Farrar,	Peacock,	

Senator Matlock offered the following substitute for the amendment of Senator Patton:

"His or her age, color."

Accepted and adopted, and

Section 90, as amended, adopted.

Senator Harris moved to adjourn until 10 o'clock to-morrow.

Lost, by the following vote:

YEAS—4.

Gooch,	Martin,	Stratton.
Harris,		

NAYS—20.

Buchanan,	Gibbs,	Perry,
Chesley,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Kleburg,	Shannon,
Fowler,	Matlock,	Traylor.
Getzendaner,	Peacock,	

Section 91 was adopted.

Senator Traylor offered the following amendment to section 92.

Strike out "successor," in line 3, and insert "assessor."

Adopted, and

Section 92, as amended, was adopted.

Senator Harris moved to adjourn till 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—7.

Gibbs,	Martin,	Randolph,
Gooch,	Peacock,	Stratton.
Harris,		

NAYS—20.

Buchanan,	Fowler,	Matlock,
Chesley,	Getzendaner,	Perry,
Collins,	Houston,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Davis,	Johnson of Shelby,	Shannon,
Evans,	Jones,	Traylor.
Farrar,	Kleberg,	

Section 93 was adopted.

Section 94 was adopted.

Section 95 was adopted.

Section 96 was adopted.

Section 97 was adopted.

Senator Buchanan offered the following amendment:

Strike out section 98 and insert the following:

SEC. 98. Each commissioners' court of counties for which this act provides a county superintendent, shall immediately nominate such officers for their respective counties, for confirmation by the State Board and State Superintendent of Education, as hereinbefore provided.

Adopted, and

Section 98, as amended, adopted.

Also the following:

Strike out all after the word "successors," in lines 3 and 4, section 99, and insert the words "and are duly qualified."

Adopted, and

Section 99, as amended, adopted.

Senator Cooper offered the following amendment to section 100:

Strike out "on the contrary."

Adopted, and

Section 100, as amended, adopted.

Section 101 was adopted.

Section 102 was adopted.

Senator Gibbs offered the following amendment to section 103:

Strike out section 103 and insert the following:

SEC. 103. The fact that the present session of the Legislature is drawing near its close, and that this act is of great length, creates a public imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended; and the further fact that unless this act take effect from and after its passage, the system of public schools proposed under it cannot be properly organized by the commencement of the next scholastic year creates an emergency that this bill take effect from and after its passage; and it is so enacted.

Withdrawn.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, January 29, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 27, being "An act to prevent the unlawful use of the school, university and asylum lands;" also, Senate bill No. 67, being "An act to amend article 679 of the Penal Code of the State of Texas," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Stratton moved to amend section 80 by adding Brazoria and Matagorda to the list of exempted counties.

Senator Gibbs moved to adjourn till to-morrow morning at 10 o'clock.

Lost by the following vote:

YEAS—11.

Cooper,	Harris,	Peacock,
Farrar,	Houston,	Randolph,
Gibbs,	Johnston of Shelby,	Traylor.
Gooch,	Martin,	

NAYS—14.

Buchanan,	Getzendaner.	Pfeuffer,
Collins,	Johnson of Collin,	Pope,
Davis,	Jones,	Shannon,
Evans,	Kleberg,	Stratton.
Fowler,	Matlock,	

Senator Stratton's amendment was adopted.

Senator Gooch offered the following amendment:

Amend section 58, viz: After the words "teachers shall receive salaries not exceeding the following sums," strike out the rate of salaries of teachers of the several grades and insert "teachers with first grade certificates, \$60 per month; teachers with second grade certificates, \$45 per month; teachers with third grade certificates, \$25 per month."

Senator Jones moved to adjourn till 10 o'clock to-morrow.

Lost by the following vote:

YEAS—13.

Farrar,	Jones,	Pope,
Gooch,	Martin,	Randolph,
Harris,	Patton,	Stratton,
Houston,	Peacock,	Traylor.
Johnston of Shelby,		

NAYS—14.

Buchanan,	Fowler,	Matlock,
Chesley,	Getzendaner,	Perry,
Collins,	Gibbs,	Pfeuffer,
Davis,	Johnson of Collin,	Shannon.
Evans,	Kleberg,	

Senator Martin moved a call of the Senate.

Call sustained.

Roll called.

Absent, Senators Cooper and Terrell.

Senator Chesley moved to excuse the absentees.

On motion of Senator Davis,

The Senate adjourned till 10 o'clock to-morrow morning.

TWENTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 30, 1884.

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Peacock,

The reading of yesterday's journal was dispensed with, and

The journal was adopted.

Senator Patton, chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, January 29, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate concurrent resolution No. 2, "Requesting the Governor not to submit other subjects for legislation," have duly considered the same, and thinking that it would be improper to consume any part of the remaining few days of this session in the agitation or discussion of the question raised by the resolution, they instruct me to report the same back, with the recommendation that it lie on the table.

All of which is respectfully submitted.

PATTON, Chairman.

COMMITTEE ROOM,
AUSTIN, January 29, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate concurrent resolutions Nos. 3 and 4, asking the Governor to submit additional subjects for legislation, not embraced in the proclamation calling the present extra session of the Legislature, have duly considered the same, and are of the opinion that the present session, having now nearly expired without any completed legislation on the important subjects embraced within the proclamation, it would be both impolitic and unwise to add others, and they therefore instruct me to report said resolutions back, with the recommendation that they lie on the table.

All of which is respectfully submitted.

PATTON, Chairman.

Senator Perry, chairman of Committee on Roads, Bridges and Ferries, submitted the following report: